



AP 12165
2005

PTO/SB/31 (08-03) Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**NOTICE OF APPEAL FROM THE EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)

CA920010055US1

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on 12/12/05

Signature David J. McKenzie

Typed or printed name David J. McKenzie

In re Application of

Michael Priestley

Application Number

09/1927,103

Filed

8/10/2001

For Link Management Using Document Structure

Art Unit

2165

Examiner Neveen Abel Jabil

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 1.17(b))

\$ 500.-

- Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ _____
- A check in the amount of the fee is enclosed.
- Payment by credit card. Form PTO-2038 is attached.
- The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.
- The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 0904460. I have enclosed a duplicate copy of this sheet.
- A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

- applicant/inventor.
- assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)
- attorney or agent of record.
Registration number 46,919
- attorney or agent acting under 37 CFR 1.34(a).
Registration number if acting under 37 CFR 1.34(a). _____

David J. McKenzie

Signature

David J. McKenzie

Typed or printed name

(801) 994-4646

Telephone number

12/12/05

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

*Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.191. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

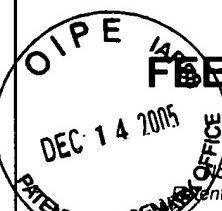
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

12/14/2005 NNGUYEN1 00000028 090460 09927103

01 FC:1401 500.00 DA

Please type a plus sign (+) inside this box →

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

 FEE TRANSMITTAL <small>Note: Effective December 8, 2004. Fees are subject to annual revision.</small>		Complete If Known	
		Application Number	Not yet assigned
		Filing Date	August 10, 2001
		First Named Inventor	Michael Priestley
		Group Art Unit	2165
		Examiner Name	Neveen Abel Jalil
TOTAL AMOUNT OF PAYMENT	\$500	Attorney Docket Number	
		CA920010055US1	

METHOD OF PAYMENT (check one)		FEE CALCULATION (continued)																																																																																																																																																																																																	
1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to: Deposit Account Number: <u>09-0460</u> Deposit Account Name: <u>IBM CORPORATION</u> <input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Charge the Issue Fee In 37 CFR at the Mailing of the Notice of Allowance		3. ADDITIONAL FEES <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: left; width: 30%;">Large Entity</th> <th colspan="2" style="text-align: left; width: 30%;">Small Entity</th> <th rowspan="2" style="width: 40%;">Fee Description</th> <th rowspan="2" style="width: 10%; text-align: center;">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr> <td>1051</td> <td>130</td> <td>2051</td> <td>65</td> <td>Surcharge - late filing fee or oath</td> <td></td> </tr> <tr> <td>1052</td> <td>50</td> <td>2052</td> <td>25</td> <td>Surcharge - late provisional filing fee or cover sheet</td> <td></td> </tr> <tr> <td>1053</td> <td>130</td> <td>1053</td> <td>130</td> <td>Non-English specification</td> <td></td> </tr> <tr> <td>1812</td> <td>2520</td> <td>1812</td> <td>2520</td> <td>For filing a request for reexamination</td> <td></td> </tr> <tr> <td>1804</td> <td>920*</td> <td>1804</td> <td>920*</td> <td>Requesting publication of SIR prior to Examiner action</td> <td></td> </tr> <tr> <td>1805</td> <td>1840*</td> <td>1805</td> <td>1840*</td> <td>Requesting publication of SIR after Examiner action</td> <td></td> </tr> <tr> <td>1251</td> <td>120</td> <td>2251</td> <td>60</td> <td>Extension for reply within first month</td> <td></td> </tr> <tr> <td>1252</td> <td>450</td> <td>2252</td> <td>225</td> <td>Extension for reply within second month</td> <td></td> </tr> <tr> <td>1253</td> <td>1020</td> <td>2253</td> <td>510</td> <td>Extension for reply within third month</td> <td></td> </tr> <tr> <td>1254</td> <td>1530</td> <td>2254</td> <td>765</td> <td>Extension for reply within fourth month</td> <td></td> </tr> <tr> <td>1255</td> <td>2160</td> <td>2255</td> <td>1080</td> <td>Extension for reply within fifth month</td> <td></td> </tr> <tr> <td>1401</td> <td>500</td> <td>2401</td> <td>250</td> <td>Notice of Appeal</td> <td style="text-align: center;">500</td> </tr> <tr> <td>1402</td> <td>500</td> <td>2402</td> <td>250</td> <td>Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td>1403</td> <td>1000</td> <td>2403</td> <td>500</td> <td>Request for oral hearing</td> <td></td> </tr> <tr> <td>1451</td> <td>1510</td> <td>1451</td> <td>1510</td> <td>Petition to institute a public use proceeding</td> <td></td> </tr> <tr> <td>1452</td> <td>500</td> <td>2452</td> <td>250</td> <td>Petition to revive -unavoidably</td> <td></td> </tr> <tr> <td>1453</td> <td>1500</td> <td>2453</td> <td>750</td> <td>Petition to revive - unintentional</td> <td></td> </tr> <tr> <td>1501</td> <td>14000</td> <td>2501</td> <td>700</td> <td>Utility issue fee</td> <td></td> </tr> <tr> <td>1502</td> <td>800</td> <td>2502</td> <td>400</td> <td>Design issue fee</td> <td></td> </tr> <tr> <td>1503</td> <td>1100</td> <td>2503</td> <td>550</td> <td>Plant issue fee</td> <td></td> </tr> <tr> <td>1464</td> <td>130</td> <td>1464</td> <td>130</td> <td>Petitions to the Commissioner</td> <td></td> </tr> <tr> <td>1807</td> <td>50</td> <td>1807</td> <td>50</td> <td>Petitions related to provisional applications</td> <td></td> </tr> <tr> <td>1806</td> <td>180</td> <td>1806</td> <td>180</td> <td>Submission of Information Disclosure Stmt</td> <td></td> </tr> <tr> <td>8021</td> <td>40</td> <td>8021</td> <td>40</td> <td>Recording each patent assignment per property (times number of properties)</td> <td></td> </tr> <tr> <td>1801</td> <td>790</td> <td>2801</td> <td>395</td> <td>Request for continued examination (RCE) (37 CFR 1.114)</td> <td></td> </tr> <tr> <td>1809</td> <td>790</td> <td>2809</td> <td>395</td> <td>Filing a submission after final rejection (37 CFR 1.129(a))</td> <td></td> </tr> <tr> <td>1810</td> <td>790</td> <td>2810</td> <td>395</td> <td>For each additional invention to be examined (37 CFR 1.129(b))</td> <td></td> </tr> <tr> <td colspan="4" style="text-align: center;">Other fee (specify) _____</td> <td colspan="2"></td> </tr> <tr> <td colspan="2" style="text-align: right;">SUBTOTAL (1)</td> <td style="text-align: right;">\$</td> <td colspan="2" style="text-align: right;">SUBTOTAL (3)</td> <td style="text-align: right;">\$ 500</td> </tr> <tr> <td colspan="4" style="text-align: center;">*Reduced by Basic Filing Fee</td> <td colspan="2"></td> </tr> </tbody> </table>				Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1051	130	2051	65	Surcharge - late filing fee or oath		1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet		1053	130	1053	130	Non-English specification		1812	2520	1812	2520	For filing a request for reexamination		1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action		1805	1840*	1805	1840*	Requesting publication of SIR after Examiner action		1251	120	2251	60	Extension for reply within first month		1252	450	2252	225	Extension for reply within second month		1253	1020	2253	510	Extension for reply within third month		1254	1530	2254	765	Extension for reply within fourth month		1255	2160	2255	1080	Extension for reply within fifth month		1401	500	2401	250	Notice of Appeal	500	1402	500	2402	250	Filing a brief in support of an appeal		1403	1000	2403	500	Request for oral hearing		1451	1510	1451	1510	Petition to institute a public use proceeding		1452	500	2452	250	Petition to revive -unavoidably		1453	1500	2453	750	Petition to revive - unintentional		1501	14000	2501	700	Utility issue fee		1502	800	2502	400	Design issue fee		1503	1100	2503	550	Plant issue fee		1464	130	1464	130	Petitions to the Commissioner		1807	50	1807	50	Petitions related to provisional applications		1806	180	1806	180	Submission of Information Disclosure Stmt		8021	40	8021	40	Recording each patent assignment per property (times number of properties)		1801	790	2801	395	Request for continued examination (RCE) (37 CFR 1.114)		1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))		1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))		Other fee (specify) _____						SUBTOTAL (1)		\$	SUBTOTAL (3)		\$ 500	*Reduced by Basic Filing Fee					
Large Entity		Small Entity		Fee Description	Fee Paid																																																																																																																																																																																														
Fee Code	Fee (\$)	Fee Code	Fee (\$)																																																																																																																																																																																																
1051	130	2051	65	Surcharge - late filing fee or oath																																																																																																																																																																																															
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet																																																																																																																																																																																															
1053	130	1053	130	Non-English specification																																																																																																																																																																																															
1812	2520	1812	2520	For filing a request for reexamination																																																																																																																																																																																															
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action																																																																																																																																																																																															
1805	1840*	1805	1840*	Requesting publication of SIR after Examiner action																																																																																																																																																																																															
1251	120	2251	60	Extension for reply within first month																																																																																																																																																																																															
1252	450	2252	225	Extension for reply within second month																																																																																																																																																																																															
1253	1020	2253	510	Extension for reply within third month																																																																																																																																																																																															
1254	1530	2254	765	Extension for reply within fourth month																																																																																																																																																																																															
1255	2160	2255	1080	Extension for reply within fifth month																																																																																																																																																																																															
1401	500	2401	250	Notice of Appeal	500																																																																																																																																																																																														
1402	500	2402	250	Filing a brief in support of an appeal																																																																																																																																																																																															
1403	1000	2403	500	Request for oral hearing																																																																																																																																																																																															
1451	1510	1451	1510	Petition to institute a public use proceeding																																																																																																																																																																																															
1452	500	2452	250	Petition to revive -unavoidably																																																																																																																																																																																															
1453	1500	2453	750	Petition to revive - unintentional																																																																																																																																																																																															
1501	14000	2501	700	Utility issue fee																																																																																																																																																																																															
1502	800	2502	400	Design issue fee																																																																																																																																																																																															
1503	1100	2503	550	Plant issue fee																																																																																																																																																																																															
1464	130	1464	130	Petitions to the Commissioner																																																																																																																																																																																															
1807	50	1807	50	Petitions related to provisional applications																																																																																																																																																																																															
1806	180	1806	180	Submission of Information Disclosure Stmt																																																																																																																																																																																															
8021	40	8021	40	Recording each patent assignment per property (times number of properties)																																																																																																																																																																																															
1801	790	2801	395	Request for continued examination (RCE) (37 CFR 1.114)																																																																																																																																																																																															
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))																																																																																																																																																																																															
1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))																																																																																																																																																																																															
Other fee (specify) _____																																																																																																																																																																																																			
SUBTOTAL (1)		\$	SUBTOTAL (3)		\$ 500																																																																																																																																																																																														
*Reduced by Basic Filing Fee																																																																																																																																																																																																			
1. FILING FEE																																																																																																																																																																																																			
<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: left; width: 30%;">Large Entity</th> <th colspan="2" style="text-align: left; width: 30%;">Small Entity</th> <th rowspan="2" style="width: 40%;">Fee Description</th> <th rowspan="2" style="width: 10%; text-align: center;">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr> <td>1011</td> <td>300</td> <td>2011</td> <td>150</td> <td>Utility filing fee</td> <td></td> </tr> <tr> <td>1111</td> <td>500</td> <td>2111</td> <td>250</td> <td>Utility search fee</td> <td></td> </tr> <tr> <td>1311</td> <td>200</td> <td>2311</td> <td>100</td> <td>Utility examination fee</td> <td></td> </tr> <tr> <td>1084</td> <td>250</td> <td>2004</td> <td>125</td> <td>Utility size fee for each additional 50 over 100</td> <td></td> </tr> <tr> <td>1005</td> <td>200</td> <td>2005</td> <td>100</td> <td>Provisional filing fee</td> <td></td> </tr> </tbody> </table>		Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1011	300	2011	150	Utility filing fee		1111	500	2111	250	Utility search fee		1311	200	2311	100	Utility examination fee		1084	250	2004	125	Utility size fee for each additional 50 over 100		1005	200	2005	100	Provisional filing fee																																																																																																																																																											
Large Entity		Small Entity		Fee Description	Fee Paid																																																																																																																																																																																														
Fee Code	Fee (\$)	Fee Code	Fee (\$)																																																																																																																																																																																																
1011	300	2011	150	Utility filing fee																																																																																																																																																																																															
1111	500	2111	250	Utility search fee																																																																																																																																																																																															
1311	200	2311	100	Utility examination fee																																																																																																																																																																																															
1084	250	2004	125	Utility size fee for each additional 50 over 100																																																																																																																																																																																															
1005	200	2005	100	Provisional filing fee																																																																																																																																																																																															
SUBTOTAL (1)		\$																																																																																																																																																																																																	
2. CLAIMS																																																																																																																																																																																																			
<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: left; width: 30%;">Extra</th> <th colspan="2" style="text-align: left; width: 30%;">Fee from below</th> <th rowspan="2" style="width: 40%;">Fee Paid</th> </tr> <tr> <th>Total Claims</th> <th>-20 =</th> <th>0</th> <th>x 50 =</th> </tr> </thead> <tbody> <tr> <td>Ind. Claims</td> <td>- 3 =</td> <td>0</td> <td>x 200 =</td> <td></td> </tr> <tr> <td>Multiple Dep. Claims</td> <td></td> <td>0</td> <td>x 360 =</td> <td>0</td> </tr> </tbody> </table>		Extra		Fee from below		Fee Paid	Total Claims	-20 =	0	x 50 =	Ind. Claims	- 3 =	0	x 200 =		Multiple Dep. Claims		0	x 360 =	0																																																																																																																																																																															
Extra		Fee from below		Fee Paid																																																																																																																																																																																															
Total Claims	-20 =	0	x 50 =																																																																																																																																																																																																
Ind. Claims	- 3 =	0	x 200 =																																																																																																																																																																																																
Multiple Dep. Claims		0	x 360 =	0																																																																																																																																																																																															
SUBTOTAL (2)		0																																																																																																																																																																																																	
3. FEE FOR INVEN																																																																																																																																																																																																			
<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: left; width: 30%;">Large Entity</th> <th colspan="2" style="text-align: left; width: 30%;">Small Entity</th> <th rowspan="2" style="width: 40%;">Fee Description</th> <th rowspan="2" style="width: 10%; text-align: center;">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr> <td>1202</td> <td>50</td> <td>2202</td> <td>25</td> <td>Claims in excess of 20</td> <td></td> </tr> <tr> <td>1201</td> <td>200</td> <td>2201</td> <td>100</td> <td>Independent claims in excess of 3</td> <td></td> </tr> <tr> <td>1203</td> <td>360</td> <td>2203</td> <td>180</td> <td>Multiple dependent claim</td> <td></td> </tr> <tr> <td>1204</td> <td>200</td> <td>2204</td> <td>100</td> <td>Reissue independent claims over original patent</td> <td></td> </tr> <tr> <td>1205</td> <td>50</td> <td>2205</td> <td>25</td> <td>Reissue claims in excess of 20 and over original patent</td> <td></td> </tr> </tbody> </table>		Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1202	50	2202	25	Claims in excess of 20		1201	200	2201	100	Independent claims in excess of 3		1203	360	2203	180	Multiple dependent claim		1204	200	2204	100	Reissue independent claims over original patent		1205	50	2205	25	Reissue claims in excess of 20 and over original patent																																																																																																																																																											
Large Entity		Small Entity		Fee Description	Fee Paid																																																																																																																																																																																														
Fee Code	Fee (\$)	Fee Code	Fee (\$)																																																																																																																																																																																																
1202	50	2202	25	Claims in excess of 20																																																																																																																																																																																															
1201	200	2201	100	Independent claims in excess of 3																																																																																																																																																																																															
1203	360	2203	180	Multiple dependent claim																																																																																																																																																																																															
1204	200	2204	100	Reissue independent claims over original patent																																																																																																																																																																																															
1205	50	2205	25	Reissue claims in excess of 20 and over original patent																																																																																																																																																																																															
SUBTOTAL (3)		0																																																																																																																																																																																																	

SUBMITTED BY				Complete (if applicable)	
Typed or Printed Name <u>David J. McKenzie</u> Signature <u>David J. McKenzie</u>				Reg. Number	46,919
				Deposit Account User ID	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231